



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

APR 24 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-082

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dr. John Bassett
President
Heritage University
3240 Fort Road
Toppenish, Washington 98948

**Re: Notice of Violation and Request for Information Pursuant to Part C of the Safe Drinking Water Act
Industrial Injection Well Serving New Science Building at Heritage University
(UIC ID number WA124P5-15-13404)**

Dear Dr. Bassett:

This Notice of Violation is to inform you that Heritage University is in violation of Part C of the Safe Drinking Water Act (SDWA) for unauthorized operation of a Class V industrial injection well serving the science building constructed in 2008 ("new science building") at the Heritage University campus at 3240 Fort Road, Toppenish, Washington. This letter also contains the EPA's response to Heritage University's proposal to construct a second drainfield injection well, originally submitted in November 2013, and requires Heritage University to provide additional information about the industrial fluids that are entering the existing injection well.

The Underground Injection Control (UIC) program regulates injection wells under SDWA Part C, and Title 40 of the Code of Federal Regulations (C.F.R.), Parts 144 through 148. Any underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited. *See* 40 C.F.R. § 144.11.

Safe Drinking Water Act Violation

On March 6, 2014, Heritage University informed the EPA that an acid neutralization tank has been connected to the septic system since the septic system was installed in 2008. The acid neutralization tank receives fluids from laboratory sinks, an autoclave, and floor drains in the lab. In constructing a septic system to receive discharge from an acid neutralization tank, Heritage University constructed an industrial injection well without authorization by the UIC program.

Heritage University is in violation of the SDWA and federal regulations that prohibit any underground injection into a well that has not been authorized by rule or as authorized by a permit issued under the UIC program.

Notwithstanding your response to this Notice of Violation, the EPA reserves all rights to take enforcement actions as authorized under Section 1423(c)(1) of the SDWA, 42 U.S.C. § 300h-2(c)(1), for the underlying SDWA violations or for any future or past violation of a requirement or permit issued pursuant to the SDWA or any other applicable legal requirements.

Heritage University's November 2013 Injection Well Proposal

The EPA has reviewed Heritage University's November 18, 2013 proposal to construct a second drainfield injection well. The proposed injection well is designed to receive non-sanitary fluids from an acid neutralization tank. Underground injection must satisfy the non-endangerment provisions of 40 C.F.R. §§ 144.12(a) and 144.82(a), as follows:

"No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. part 141 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met."

Based on the information before the EPA at this time, the proposed drainfield injection well does not satisfy the requirements of 40 C.F.R. §§ 144.12(a) and 144.82(a), and construction and/or operation of the proposed drainfield injection well would be prohibited. If Heritage University wishes to construct the proposed well, please provide information which establishes that the requirements of 40 C.F.R. §§ 144.12(a) and 144.82(a) have been satisfied.

Additional Information Requested from Heritage University

In order to determine if Heritage University is operating the drainfield injection well in a manner that endangers underground sources of drinking water, the EPA needs more information from Heritage University about the fluids injected through the existing drainfield. Pursuant to the EPA's authorities under Section 1445 of the SDWA, 42 U.S.C. § 300j-4, the EPA requires Heritage University to collect and analyze samples of the neutralization tank fluids that are discharged to the injection well. The EPA is specifically requesting that Heritage University collect samples from the neutralization tank and submit them for analyses to a laboratory that is accredited for the following methods:

- a. volatile organic compounds by EPA Method 8260;
- b. semivolatile organic compounds by EPA Method 8270; and
- c. RCRA 8 metals by EPA Method 6010C or 6020A, with mercury by EPA Method 7470A.

Four sets of samples shall be collected on the following schedule:

- a. 1 set of samples on a day between May 1-10, 2014;
- b. 1 set of samples on a day between September 15-30, 2014;
- c. 1 set of samples on a day between December 1-12, 2014;
- d. 1 set of samples on a day between March 1-13, 2015.

Heritage University must submit the laboratory data to the EPA within 10 days of receipt from the laboratory. The analytical data reports should be mailed to:

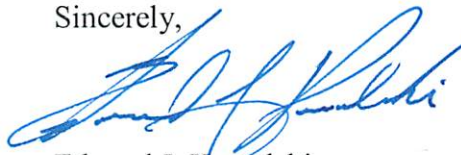
Jennifer Parker
U. S. Environmental Protection Agency Region 10
Office of Compliance and Enforcement
1200 Sixth Avenue, Suite 900, OCE-082
Seattle, Washington 98101

Compliance with the Request for Information is mandatory. Failure to respond fully and truthfully to the Information Request, or to justify adequately such failure to respond, can result in an enforcement action by the EPA pursuant to Section 1423 of the SDWA. The SDWA authorizes the EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 1423(b) of the SDWA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3521.

Thank you for your prompt attention to this matter. If you have any questions, please contact Jennifer Parker of my staff at (206) 553-1900.

Sincerely,



Edward J. Kowalski
Director

cc: Rob Carroll
Heritage University

Elizabeth Sanchey
Yakama Nation

Yvonne Colfax
Yakama Nation

Yakama Nation Tribal Council